

CGB-CC-0113

## St. Louis Church

2001 NORTH TWENTY-FIFTH STREET  
P.O. BOX 5040  
WACO, TEXAS 76708

REV. DAVID M. LEIBHAM, PASTOR

TELEPHONE (254) 754-1221

December 26, 2005

Office of the Secretary  
Federal Communications Commission  
Attention: CGB Room 3-B431  
445 12th Street SW  
Washington, DC 20554

RECEIVED & INSPECTED

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### Petition for Extension from Closed Captioning Requirements

#### Introduction

St. Louis Catholic Parish was established in Waco Texas, in 1964, a part of the Austin Diocese, under the leadership of Father Mark Deering. Church services were held in the St. Louis School cafeteria until the church building was completed in 1968. Monsignor Deering retired in October 2000, and Father David Leibham became the second pastor of St. Louis Church. The parish is one of 10 Catholic parishes in the Waco metro area.

*The mission of St. Louis Catholic Church is to be a Eucharistic, joy-filled community of faith, dedicated to the growth of God's kingdom on earth through the living of the Gospel. We are committed to spiritual development through prayer, education, worship, and service.*

In 1974, KWTX-TV began televising the Sunday 9:30 am Mass on every third Sunday, rotating television coverage among 3 churches in Waco. This changed to every Sunday about 10 years ago when the rotation ended. The specific program being telecast is the weekly Sunday morning 9:30 am Mass, one of 16 regularly scheduled Masses by St. Louis throughout the week. The telecast lasts from 9:30 am to 10:30 am and is broadcast live on KWTX-TV, Channel 10, in Waco. It is not repeated or rebroadcast at any other time or on any other outlet. It is available to persons within reach of the KWTX-TV broadcast signal or where KWTX-TV is carried on cable. As the only local Catholic Mass that is broadcast, it provides a much needed outreach to Catholics who are unable to attend Mass in person. Dub-L Tape, Inc provide video cameras and operating personnel for the broadcast.

For the reasons set forth below, St. Louis Catholic Church hereby requests an undue burden exception to delay implementation of the closed captioning rules for the weekly live broadcast of Sunday 9:30 am Mass until July 1, 2006, pursuant to § 79.1(f) of the Commission's rules.

### Nature and Cost of Closed Captions

As the Mass is televised live, to close caption it would require a "steno" system. We considered speech recognition software, but due to the many different individuals who participate in a Mass by giving various readings, announcements, and hymns, along with speaker's movement around the church during the service, this would be impractical given limitations of current speech recognition technology. Remote transcription would be possible within the KWTX-TV viewing area but may involve increased long-distance telephone costs to connect by modem to the KWTX-TV encoder. ENR technology is not applicable in this situation. St. Louis would be required to purchase a computer with modem for telephone transmission to KWTX-TV's encoder, along with the hardware and software for real-time preparation and for steno input. Specific costs are below.

Item	Cost
CPC-600 Software	\$2995.00
RapidWrite Pro Software	\$995.00
Computer to meet software requirements	\$750.00
Total Start-up Costs	\$4,740.00

In addition to these start-up costs, ongoing additional costs to hire a court reporter for each weekly mass are estimated at a minimum of \$100 per week, or \$5,200.00 per year. This is based upon hiring an experienced freelance closed captioning court reporter for each Sunday morning – if one is even available. Cost estimates are based upon information from National Court Reporting Association and from the U.S. Department of Labor Bureau of Labor Statistics *Occupational Outlook Handbook* websites. Searches and telephone contacts with the Texas Court Reporting Association and publically listed court reporters indicate that availability would be very limited.

### Alternatives Considered:

Costs would be similar for scrolling text, requiring prior transcription to computer format of contents of the service (prayers, readings, hymns, announcements, and sermon), computer and software to transmit to KWTX-TV, and real-time personnel to maintain time synchronization of text and the service. This would not require the ongoing expense of "steno" live captioning or the steno software, but would require considerable advance planning, coordination, and training of personnel. St. Louis Catholic Church plans to implement this option, but is requesting time to arrange for sponsorship of purchase of software and computer, arrange for volunteers to transcribe, and train personnel in operations..

KWTX-TV does not have a copy of the specified software (required to interface with their encoder), nor does KWTX-TV broadcast any other church services where cost-sharing with another church could be considered. KWTX-TV does not have any other similar programming which would require such real time closed captioning. KWTX-TV has been very supportive and helpful in exploring options and alternatives and has the encoding equipment for actually inserting the closed captioning signal. This is accessed only by modem connection, and is not available through an Internet connection.

In addition, much of the content of the Mass is available in various liturgical texts published by the Catholic Church, along with hymnals and the Holy Bible. The written order of the Mass for each Sunday is published in *Celebrating the Eucharist*, published five times per year by the Liturgical Press. This has been mailed to people upon request. The weekly announcements are in the Church Bulletin. The weekly sermon has also been transcribed and mailed to individuals upon request – so written textual copy of the service is currently available.

#### **Impact on the Operation of the Program Provider**

Currently, St. Louis Church bears costs of approximately \$1,326.00 for each live telecast of weekly Mass. To do live close captioning would add a minimum additional cost of close to \$200 per service (assuming the hardware and software have a usable life expectancy of 2-3 years). These costs would impair the ability of St. Louis Church to make its weekly Mass available as it would divert limited resources from other Church programs. St. Louis Church will actively seek donations and sponsorships to implement and maintain closed captioning, but immediate implementation is fiscally a undue burden.

#### **Financial Resources of the Program Provider**

St. Louis Church is a tax-exempt organization. The main source of income for the church is parishioner contributions. Primary expenses include building maintenance and operations, personnel, and church service programs, including telecast of weekly services. .

#### **Type of Operations of the Program Provider**

St. Louis Catholic Church is a non-profit religious institution. The live telecast of the Sunday 9:30 am Mass is a service to the local community and does not generate any income for the Church.

#### **Other Factors**

Petitioner believes that the local, non-news exemption to the closed captioning rules also applies to the telecast of the Mass. As noted above, the program is produced and distributed locally, and the sermons of St. Louis Church are of primarily local public interest. The telecasts are not news, they do not have repeat value, and the electronic newsroom technique is not available. We believe this clearly meets the intent of the Commission as noted in its order of September 17, 1998:

In the Report and Order, we recognized that certain types of locally produced and distributed programs that are of primarily local public interest, that have no repeat value and that have a fragile economic support system might be impeded if they were subject to captioning requirements. We intended that this exemption be limited to programming that is locally produced by the video programming distributor, has no repeat value, yet serves the community where the video programming distributor is located. We wanted to ensure that our captioning requirements did not prevent the distribution of the most local public interest programming . . . .

Notwithstanding the applicability of the exemption, we have filed this petition in an abundance of caution and for the purpose of establishing certainty.

### **Conclusion**

As shown by this Petition and its attachments, the Commission should grant a six month extension of the closed captioning requirements in this case, because requiring live closed captioning immediately would create an undue burden. The costs of captioning would be excessively high and would have a significant impact on Petitioner's operations. The Petitioner's type of operations and financial resources are different in kind and magnitude from a mainstream programming provider. Because of the significant difficulty and expense of providing closed captions, a waiver under § 79.1(f) is warranted.

St. Louis Catholic Church does want to make the Sunday Mass accessible to the hearing impaired as a part of its service to the community. The Church plans to seek sponsors to purchase the hardware and software and volunteers to transcribe available print material into computer format for entry into the encoder machine by volunteer operators during the Mass. This will require time to arrange, purchase, secure volunteers, establish and coordinate systems for compiling the materials, and train personnel on software and machine operations. We therefore request an extension of implementation deadline to July 1, 2006.

If more information is needed, please contact me at the address provided.

Petition for Exemption  
December 26, 2005

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Respectfully submitted,

St. Louis Catholic Church

By:

Rev. David M. Leibham  
Father David Leibham, Pastor

Dated: Dec. 24, 2005

Exhibits

Schedule of all programming offered by the provider:

Sundays, 9:30 am to 10:30 am, Central Time – KWTX-TV, Channel 10, Waco

Financial documentation:

- A. Balance Sheet
- B. Tax Exemption Certificate
- C. Documentation of Cost of Production
- D. Cost of software - CPC website, 12/23/05 and 12/26/05

**St. Louis Church**  
**Balance Sheet**  
 As of December 23, 2005

	Dec 23, 05
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
First Texas Special - Angels	4,676.53
Compass Bank CDs	73,294.50
Guarantee Federal CDs	226,586.18
Texas First Bank - Church	272,277.82
<b>Total Checking/Savings</b>	577,035.03
<b>Other Current Assets</b>	
Consturction Advance School	87,611.58
<b>Total Other Current Assets</b>	87,611.58
<b>Total Current Assets</b>	664,646.61
<b>Fixed Assets</b>	
Church & Rectory (Cost)	1,294,677.17
Church Organ (Cost & Install)	21,804.06
Church Stained Glass Windows	46,342.00
Furnishings & Equipment-Church	280,962.64
<b>Total Fixed Assets</b>	1,643,785.87
<b>TOTAL ASSETS</b>	<b>2,308,432.48</b>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
<b>Accounts Payable</b>	
Accounts Payable	
St. Louis School	-5,066.72
Accounts Payable - Other	5,066.72
<b>Total Accounts Payable</b>	0.00
<b>Total Accounts Payable</b>	0.00
<b>Other Current Liabilities</b>	
pre-paid expense	2,213.48
<b>Total Other Current Liabilities</b>	2,213.48
<b>Total Current Liabilities</b>	2,213.48
<b>Total Liabilities</b>	2,213.48
<b>Equity</b>	
Opening Bal Equity	2,083,386.46
Retained Earnings	93,613.64
Net Income	129,218.90
<b>Total Equity</b>	2,306,219.00
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>2,308,432.48</b>

# TEXAS SALES AND USE TAX EXEMPTION CERTIFICATION

Name of purchaser, firm or agency <b>ST. LOUIS CHURCH / SCHOOL</b>		<b>TX ID # 74 147 9000</b>
Address (Street & number, P.O. Box or Route number) <b>2001 North 25th Street</b>		Phone (Area code and number) <b>(254) 754-1221</b>
City, State, ZIP code <b>Waco, Texas 76708</b>		(School phone (254) 754-2041)

I, the purchaser named above, claim an exemption from payment of sales and use taxes for the purchase of taxable items described below or on the attached order or invoice form:

Seller: \_\_\_\_\_

Street address: \_\_\_\_\_ City, State, ZIP code: \_\_\_\_\_

Description of items to be purchased or on the attached order or invoice:

Purchaser claims this exemption for the following reason:

**St. Louis Catholic Church and School is a non profit organization**

I understand that I will be liable for payment of sales or use taxes which may become due for failure to comply with the provisions of the Tax Code: Limited Sales, Excise, and Use Tax Act; Municipal Sales and Use Tax Act; Sales and Use Taxes for Special Purpose Taxing Authorities; County Sales and Use Tax Act; County Health Services Sales and Use Tax; The Texas Health and Safety Code; Special Provisions Relating to Hospital Districts, Emergency Services Districts, and Emergency Services Districts in counties with a population of 125,000 or less.

I understand that it is a criminal offense to give an exemption certificate to the seller for taxable items that I know, at the time of purchase, will be used in a manner other than that expressed in this certificate and, depending on the amount of tax evaded, the offense may range from a Class C misdemeanor to a felony of the second degree.

sign here Purchaser <i>Rory Ann M. Lulbani</i>	Tax Pastor / Administrator	Date 12-23-05
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NOTE: This certificate cannot be issued for the purchase, lease, or rental of a motor vehicle.

THIS CERTIFICATE DOES NOT REQUIRE A NUMBER TO BE VALID.

Sales and Use Tax "Exemption Numbers" or "Tax Exempt" Numbers do not exist

This certificate should be furnished to the supplier. Do not send the completed certificate to the Comptroller of Public Accounts.



# St. Louis Church

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WACO, TEXAS 76708

REV. DAVID M. LEIBHAM, PASTOR

TELEPHONE (254) 754-1221

## ST. LOUIS CATHOLIC CHURCH TELEVISED MASS - 2004

(9:30 A.M. EACH SUNDAY MORNING)

### Dub-L Tape, Inc. - Production

Cost: \$490.00 per service (52 Sundays) to equal for the year	\$25,480.00
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### KWTX - Broadcasting

Cost \$836.00 per service (52 Sundays) to equal for the year	\$43,472.00
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<b>TOTAL COST PER YEAR</b>	<b>\$68,952.00</b>
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P.O. BOX 5040  
WACO, TEXAS 76708

REV. DAVID M. LEIBHAM, PASTOR

TELEPHONE (254) 754-1221

December 23, 2005

To Whom It May Concern:

All those involved with the production of the televised Mass are employees of Dub-L Tape, Inc. Production.

There are no other revenues applied to the cost of the televised Mass other than the operating budget of St. Louis Catholic Church.

Sincerely,

*Rev. David M. Leibham*

Rev. David M. Leibham

**St. Louis Church**  
**Vendor QuickReport**  
 January 1 through December 23, 2005

Type	Date	Num	Memo	Account	Clr	Split	Amount	Calculated Amount
KWTX Broadcasting Company								
Check	1/11/2005	6616	December 20...	Texas First Bank - ...	X	Television Mass	-3,344.00	
Check	2/10/2005	6664	January 2005...	Texas First Bank - ...	X	Television Mass	-4,370.00	
Check	3/8/2005	6697	February 200...	Texas First Bank - ...	X	Television Mass	-3,496.00	
Check	4/11/2005	6767	March 2005 ...	Texas First Bank - ...	X	Television Mass	-3,496.00	
Check	5/3/2005	6811	April 2005 (a...	Texas First Bank - ...	X	Television Mass	-3,496.00	
Check	6/8/2005	6853	May 2005 (a...	Texas First Bank - ...	X	Television Mass	-4,370.00	
Check	7/12/2005	6905	June 2005 (a...	Texas First Bank - ...	X	Television Mass	-3,496.00	
Check	8/2/2005	6948	July 2005 (a...	Texas First Bank - ...	X	Television Mass	-4,370.00	
Check	9/6/2005	7009	Aug. 2005 (a...	Texas First Bank - ...	X	Television Mass	-3,496.00	
Check	10/7/2005	7068	Sept. 2005 (...)	Texas First Bank - ...	X	Television Mass	-3,496.00	
Check	11/9/2005	7127	Oct. 2005 (a...	Texas First Bank - ...	X	Television Mass	-4,370.00	
Check	12/7/2005	7176	Nov. 2005 (a...	Texas First Bank - ...		Television Mass	-3,496.00	

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12/23/05

**St. Louis Church**  
**Vendor QuickReport**  
 January 1 through December 23, 2005

Type	Date	Num	Memo	Account	Clr	Split	Amount
<b>Dub-L Tape, Inc.</b>							
Check	2/10/2005	6660	Inv. #39300	Texas First Bank - ...	X	Television Mass	-4,410.00
Check	3/21/2005	6722	Inv. #39617	Texas First Bank - ...	X	Television Mass	-4,970.00
Check	5/25/2005	6837	Inv. #39998	Texas First Bank - ...	X	Television Mass	-3,920.00
Check	8/10/2005	6954	Inv. #39998	Texas First Bank - ...	X	Television Mass	-4,410.00
Check	9/29/2005	7048	Inv. #40711	Texas First Bank - ...	X	Television Mass	-4,410.00
Check	12/12/2005	7190	Inv. #40711	Texas First Bank - ...		Television Mass	-3,920.00

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The CPC-500 has only one capability, realtime captioning. It was originally designed for use with ViaVoice Speech recognition as an easy cost effective notetaking system for use in the classroom, although it can also be used for broadcast realtime captioning with a steno machine. It is recommended for schools who would like to save money on using sign language interpreters or stenographers, and for companies that have an interest in realtime captioning only and do not have any plans to do any post-production captioning.

The CPC-600 is our most inexpensive captioning solution. It is recommended for people who are interested in doing real-time captioning, and those people who only need to caption post-production videos in Roll-Up mode on the fly without using time code.

For realtime captioning with a steno machine, you will also need a steno input software like Stenovation Catnip or Stenograph RapidWrite Pro. Both are priced around \$995. The steno input software translates the steno keystrokes into English in the background. The CaptionMaker software reads the text from the keyboard buffer sends it to the closed caption encoder to caption a video. CPC-600 can also be used with a Speech Recognition software like IBM ViaVoice to do realtime captioning for situations where budget is a constraint to afford a good realtime steno reporter.

The CPC-600 has a few advantages over the CPC-500:

- The CPC-600 can connect to encoders through a modem (the CPC-500 cannot)
- The CPC-600 can switch between the realtime feature and basic post production, which can be very helpful in realtime captioning when you have a script to work with.

The CPC-700 has all the realtime features of the CPC-600 along with our full post-production captioning suite with time code. Please visit the post-production area of this site for more information.

## Software Prices

### Original

Software	Price
<del>CPC-700 NLE</del>	<del>\$7,995</del>
<del>CPC-700NL</del>	<del>\$5,995</del>
<del>CPC-700</del>	<del>\$2,995</del>
CPC-600	\$2,995
<del>CPC-500</del>	<del>\$1,995</del>
<del>CPC-710</del>	<del>\$995</del>
<del>CCaption-BV</del>	<del>\$995</del>
<del>CCaption-NLE</del>	<del>\$1,995</del>

### Upgrades

Software (Within Windows)	Price
<del>CPC-700NLE-UWW (from CPC-700)</del>	<del>\$2,995</del>
<del>CPC-700NLE-UWW (from CPC-700NL)</del>	<del>\$1,995</del>
<del>CPC-700NL-UWW (from CPC-700)</del>	<del>\$995</del>
<del>CPC-700-UWW (from CPC-600)</del>	<del>\$1,995</del>
<del>CPC-600-UWW (from CPC-500)</del>	<del>\$995</del>

### Upgrades

Software (Dos to Windows)	Price
<del>CPC-700NLE-UDW (from CPC-700)</del>	<del>\$4,995</del>
<del>CPC-700NL-UDW (from CPC-700)</del>	<del>\$2,995</del>
<del>CPC-700-UDW (from CPC-700)</del>	<del>\$1,995</del>
<del>CPC-710-UDW (from CPC-710)</del>	<del>\$495</del>
<del>CPC-600-UDW (from CPC-600)</del>	<del>\$995</del>

Bulk Discount: Discounts are offered for multiple software purchases.

## Customer Support




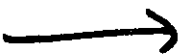
Free 5 hours of phone support is provided for 12 months from the date the software was purchased; and 2 hours of free phone support for 6 months from the date a software upgrade was purchased. The following plan picks up when that free support ends.

Number of years	Price
1 Year (5 hours)	10% of the current price of the software
2 Year (10 hours)	18% of the current price of the software
3 Year (15 hours)	24% of the current price of the software
4 Year (20 hours)	28% of the current price of the software
Lifetime (Unlimited)	30% of the current price of the software

Deduct 15% from above prices if the above Support Plan is

## Steno Software/Hardware

### Steno Input Software and Hardware



Software/Hardware	Description	Price
RapidWrite Pro Software	Steno input software to work with CPC-600/700 for realtime captioning. For use on Win95/98/2K/XP <a href="#">Click here for details</a>	\$995
<del>Qigatron OPEN Write 32 Software</del>	<del>Steno input software to work with CPC-600/700 for realtime captioning. For use on Win95/98/NT/2K/XP. <a href="#">Click here for details</a></del>	<del>\$1,295</del>
<del>Steno machine</del>	<del>Stenograph Stenura 400SRT Steno Machine <a href="#">Click here for details</a></del>	<del>\$1,595</del>
<del>Steno machine</del>	<del>Stenograph Elan Cybra Steno Machine (Paper less) <a href="#">Click here for details</a></del>	<del>\$1,995</del>

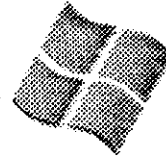
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**CPC Computer Prompting & Captioning Co.**  
1010 Rockville Pike, Suite 306  
Rockville, MD 20852, USA

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E-mail: [Info@cpcweb.com](mailto:Info@cpcweb.com)  
Phone: 301-738-8487  
Fax: 301-738-8488  
TTY: 301-738-8489  
Toll Free: 800-977-6678

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